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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,032	09/29/2000	Joseph K. Agyin	6643R5	3249

30113 7590 03/17/2003

THE PROCTER AND GAMBLE COMPANY
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EXAMINER

DELACROIX MUIRHEI, CYBILLE

ART UNIT PAPER NUMBER

1614

DATE MAILED: 03/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/676,032

Applicant(s)

AGYIN ET AL.

Examiner

Cybillie Delacroix-Muirheid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-11, 13-15, 20, 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 13-15, 20 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

The following is responsive to Applicant's amendment received Nov. 13, 2002.

No claims are cancelled. No new claims are added.

Claims 1-4, 7-11, 13-15, 20 and 25 are currently pending.

The previous objection to the specification set forth in paragraph 1 of the office action mailed Aug. 27, 2002 is **withdrawn** in view of Applicant's amendment and the remarks contained therein.

However, Applicant's arguments traversing the previous ground of rejection under 35 USC 103(a) set forth in paragraphs 2-4 of the office action mailed Aug. 27, 2002 have been considered but are respectfully not found to be persuasive.

Said rejection is maintained essentially for the reasons given previously in the office action mailed Aug. 27, 2002 with the following additional comment.

It is essentially Applicant's position that Ram et al. do not teach or fairly suggest Applicant's claimed compounds. Applicant contends that Table 1 shows no data for compound #17 (L1210) whereas the compound 3-7 of the instant application shows activity against murine melanoma and human carcinoma cells. There is no support in Ram et al. for making the structural changes to compound #17 as suggested by the Examiner.

Said arguments have been considered but are not found to be persuasive.

It is respectfully submitted that the "no data" indication for compound #17 in Table 1 does not necessarily mean that the compound has "no antineoplastic activity." This is further

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supported by Ram et al. The Examiner respectfully directs Applicant's attention to page 543 of Ram et al, first column, under Antitumor Results and Discussion, lines 1-8, where Ram et al. disclose that all compounds in Table 1, "except for **13** and **18** showed cytotoxic activity against L1210 cells." Therefore, the Examiner respectfully maintains that modification of the compound of Ram to substitute the fluorine with a hydrogen would have been obvious to one of ordinary skill in the art because, absent evidence to the contrary, such a substitution would not be expected to materially alter the anti-neoplastic activity of the compound. This is further evidenced by the fact that both Applicant's compound and the claimed compound have the same activity. Therefore, the Examiner respectfully submits that the claimed compound and the compound of Ram share close structural similarity and one of ordinary skill in the art would reasonably expect the two compounds to have similar antineoplastic activity.

It is for these reasons that the rejection is maintained.

Conclusion

Claims 1-4, 7-11, 13-15, 20, 25 stand rejected.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cybille Delacroix-Muirheid whose telephone number is (703) 306-3227. The examiner can normally be reached on Tue-Fri from 8:30 to 6:00. The examiner can also be reached on alternate Mondays.

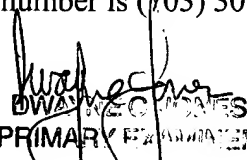
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel, can be reached on (703) 308-4725. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

CDM



March 16, 2003


Cybille Delacroix-Muirheid
PRIMARY EXAMINER